



November 26, 2012

Dennis J. McLerran, Regional Administrator
U.S. Environmental Protection Agency, Region 10
Regional Administrator's Office, RA-140
1200 6th Avenue, Suite 900
Seattle, WA 98101

Re: Additional peer review of the Bristol Bay Watershed Assessment

Dear Dennis:

I am writing to you on behalf of the Pebble Limited Partnership ("PLP") about reports concerning EPA's intention to conduct additional peer exercises relating to the draft Bristol Bay Watershed Assessment.¹ According to recent statements by EPA one such peer review would evaluate a revised draft of the Assessment. We understand that there may also be a second review which would evaluate two reports by well-known mine opponents, one of which was written specifically to oppose permitting of the Pebble Project.

To my knowledge this late stage peer review has not been part of our discussions about the process or been part of the process as publicly announced by EPA. Thus, we have some questions relating to EPA's intent with these reviews.

Peer Review of the Revised Draft Assessment

I have four concerns about the second peer review of the draft Assessment. The first is selection of peer reviewers. If EPA is concerned about whether it addressed the criticisms of the first set of peer reviewers, the best answer will come from those peer reviewers themselves. Why would EPA pay for a new set of scientific reviewers to learn what the first set already learned, unless the Agency is hoping to find friendlier scientists?

The second is neutrality and transparency. The first set of peer reviewers was picked by an independent party (Versar) and had access to public comments about the draft document. A second set of reviewers should also be picked by an independent person, have the same access,

¹ "An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska." (May 2012).



and enjoy the same freedom from influence by the Agency itself. I assume Versar is being used to find the peer reviewers, but I would like your confirmation of that.

The third concern is timing. We understand that EPA intends to issue the final Assessment by December 31, 2012. The first set of peer reviewers expressed dissatisfaction with the short amount of time for them to review and comment on this complex document – a little less than three months before the public meeting. Their final report is dated more than a month after that (and it was not released to the public until almost two months later – November 7, the day after the Presidential election). If four months was constraining for the first set of reviewers, the time remaining before EPA's issuance date – about one month – will cast serious doubt on the validity of such a hasty review.

The fourth concern is the charge to the new peer reviewers. There was a public review of the charge to the initial set of peer reviewers, but I have seen no mention by EPA of such a process for the new ones. In fact, I do not believe there has been any explanation to the public of what the charge to the new peer reviewers is. If I have missed that announcement, I would appreciate you sending me the notice of the charge for the new peer reviewers. If not, I would appreciate knowing EPA's reasoning for not providing public notice and not allowing the public an opportunity to comment on the charge.

Peer Review of Reports By Mine Opponents

I am troubled by information we have received that that EPA intends to engage peer reviewers to review two biased reports written by mine opponents. I understand that one of them was a report written several years ago by Anne Maest and others based on evaluation of the post-EIS performance of 25 out of 72 mines. That report has been accused of – among other things – cherry-picking the EIS studies considered. The other report was written by Earthworks, an organization formed from the Mineral Policy Center and the Oil & Gas Accountability Project in Boulder, Colorado. This document was written specifically for EPA's assessment of the Pebble project.

These supplemental peer reviews could indicate that EPA intends to use the peer review process to find support for mine opposition, rather than using the process to enhance the quality of scientific inquiry. Selective peer review of slanted studies that have never been published in a peer-reviewed journal is not an emblem of science: it is an attempt to bolster one side of an argument.

It seems to me that, if EPA is going to pay for a peer review of the opposition's submissions then EPA should also pay for evaluating the real science that has been carefully reported in the Pebble Project's Environmental Baseline Document and some of the other submissions by individuals and organizations who found the watershed assessment lacking in good science and mine planning. In reality, I don't think EPA should be paying for either, but, if you choose to peer review on side's science, you need to peer review both sides' submissions or risk the accusation that EPA is quite biased in their approach to this study.



If EPA intends to proceed with this dubious effort, it should at least provide the same protections (including: independent selection of the panel; public comment on the selection, charge, and topics; and maintaining independence of the peer reviewers) that applied to the initial peer review of the draft Assessment.

Dennis, thank you for your consideration of my concerns about the supplemental peer reviews that your Agency is apparently considering. I look forward to your response.

Sincerely,



John Shively
Chief Executive Officer

Cc: Mr. Richard Parkin